



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Firstline Mutual Insurance Company

In Re:

SECRET GARDEN LANDSCAPING, INC.,

Debtor.

CHAPTER 11

Case No. 07-26349 (GMB)

Hearing Date: Sept. 21, 2009 at 10:00 a.m.

Judge: Hon. Gloria M. Burns

Recommended Local Form: ☐ Followed ☒ Modified

ORDER MODIFYING AND LIFTING OF AUTOMATIC STAY CASE

The relief set forth on the following page,

DATED: 9/21/2009



Honorable Gloria M. Burns
United States Bankruptcy Court Judge

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United States Bankruptcy Court Judge

Dated: _____

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Debtor: Secret Garden Landscaping, Inc.

Case No: 07-26349 (GMB)

Caption of Order: **ORDER MODIFYING AND LIFTING OF AUTOMATIC STAY**

The matter having been brought before the Court on motion of Firstline Mutual Insurance Company, insurer of Secret Garden Landscaping, Inc. (the “Debtor”), for an Order for: (1) abstention from the federal court action against the Debtor, entitled Firstline National Insurance Company v. Secret Gardens Landscaping, USDC, NJ, No. 1:07-cv-0259 (the “Federal Court Action”); and (2) modification of and relief from the automatic stay to allow the Firstline to proceed towards final judgment in the Federal Court Action.

IT IS SO ORDERED THAT:

1. The Bankruptcy Court hereby abstains from adjudicating merits of the Federal Court Action;
2. The automatic stay is hereby modified to allow the Firstline to proceed towards final judgment or settlement of claims against the Debtor and other defendants in the Federal Court Action.
3. Any recovery by the Firstline in the Federal Court Action against the Debtor or its estate is limited to the determination of coverage, if any, available under the Debtor’s applicable insurance policies for the State Court action of HSJ Properties LLC v. Secret Gardens Landscaping, Docket NO. CAM-L-5401-05.
4. Firstline will serve this Order upon the Debtor, the U.S. Trustee and any other party that has made an appearance on this motion within seven (7) days of docketing of this Order.